

Chapter 8.24**DUST--INDUSTRIAL WASTE**

(1091-7/64, 1253-9/66, 1935-11/74, 2106-9/76)

Sections:

- 8.24.010 Industrial waste defined
- 8.24.020 Prohibited when nuisance
- 8.24.030 Escape of smoke, carbon and soot
- 8.24.040 Abatement--Owner notification
- 8.24.050 Abatement--Notice direction
- 8.24.060 Abatement--Notice--Service
- 8.24.070 Abatement--Failure
- 8.24.080 Abatement--Notice of city intention
- 8.24.090 Abatement--Hearing request
- 8.24.100 Abatement--Refusal--Misdemeanor
- 8.24.110 Provisions nonexclusive

8.24.010 Industrial waste defined. "Industrial waste" means any and all liquid or solid waste substance in sewage from any processing or manufacturing of whatever nature. (1091-7/64)

8.24.020 Prohibited when nuisance. It is unlawful for any person, firm or corporation to permit, maintain, or create a situation wherein the dust, smoke, soot, carbon or industrial waste on any property, under his, her or its control, creates a public nuisance. (1091-7/64, 1253-9/66)

8.24.030 Escape of smoke, carbon and soot. No person shall cause, permit or allow smoke, carbon or soot from any fire being operated, used, maintained or fired by such person to escape from any smokestack, chimney, flue, vent, firebox, kiln or furnace. (1253-9/66)

8.24.040 Abatement--Owner notification. Whenever there exists in any place within the city a public nuisance, as defined by section 1.04.030(f) of this code, created by industrial waste or dust, the city shall notify in writing the record owner or person having control or possession of such place or premises to abate such nuisance. (1091-7/64, 1253-9/66, 1935-11/74, 2106-9/76)

8.24.050 Abatement--Notice direction. The notice shall direct the owner or person in control or possession of the place or premises, within the time specified in said notice, to abate the nuisance and to perform any and all work necessary to prevent the recurrence thereof in the places or premises specified in the notice. (1091-7/64)

8.24.060 Abatement--Notice--Service. The notice shall be served upon the owner of record or person having control or possession of the place or premises upon which the nuisance exists, or upon the agent of either.

Notices may be served by any person authorized by the health officer for such purpose in the same manner as a summons in a civil action. (1091-7/64)

8.24.070 Abatement--Failure. Upon the neglect or refusal of the owner, or person having control or possession of any place or premises to comply with the notice to abate, the city may abate such nuisance and the owner of such place or premises, or the person having control or possession thereof, shall be liable to the city for the costs of such abatement which may be recovered in a civil action. (1091-7/64, 2106-9/76)

8.24.080 Abatement--Notice of city intention. In the event the city elects to abate the nuisance, it shall serve or cause to be served upon the record owner or the person in control or possession of the premises a "Notice of Intention to Abate" and if a hearing is not requested before the City Council, as hereinafter provided within ten (10) days after service of the "Notice of Intention to Abate," the city may proceed to abate any such nuisance as hereinafter provided. (1091-7/64, 2106-9/76)

8.24.090 Abatement--Hearing request. The request for hearing shall be in writing and be filed with the City Clerk. Notice of the time and place where the City Council will consider the matter shall be mailed by the City Clerk to the applicant. At the time fixed for the hearing, the City Council shall hear and consider all relevant testimony and evidence relating to the matter as offered by the applicant and by the city. Upon the conclusion of the hearing, the City Council shall determine whether a condition contrary to the provisions of this chapter exists and whether the city may abate. (1091-7/64, 2106-9/76)

8.24.100 Abatement--Refusal--Misdemeanor. Any owner or person having control of any place or premises upon which there is a public nuisance created by industrial waste or dust, who refuses or neglects to abate the same or to take corrective measures to prevent its recurrence with the written notice from the city within the time specified in said notice, shall be guilty of a MISDEMEANOR and subject to punishment upon conviction thereof by a fine not exceeding five hundred dollars (\$500) or one hundred (100) days imprisonment in the county jail or both such fine and imprisonment. (1091-7/64, 2106-9/76)

8.24.110 Provisions nonexclusive. Provisions of this chapter in reference to abatement are to be construed as an added remedy of abatement of the nuisance declared and not in conflict or derogation of any other actions or proceedings or remedies otherwise provided by law. (1091-7/64)